

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2003-091366

07/05/2011

HONORABLE BENJAMIN R. NORRIS

CLERK OF THE COURT

K. Depue

Deputy

IN RE THE MATTER OF  
LESLEY M EISENHOUR

FRANCES SUSAN MCGINNIS

AND

HYRUM MARK MCLEMORE

RODNEY M MATHESON

AG-CHILD SUPPORT-EAST VALLEY  
OFFICE

MATTER UNDER ADVISEMENT

Courtroom 404 – SE

8:57 a.m. This is the time set for Trial on Father's *Petition for Modification of Child Support and Access Time* filed December 7, 2010. Petitioner/Mother is present with above-named counsel. Respondent/Father is present with above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

The Court is advised that no agreements have been reached.

The Court shall take a short recess to allow counsel and the parties to confer in an effort to reach some agreements today.

9:03 a.m. The Court stands at recess.

9:58 a.m. The Court reconvenes with the parties and respective counsel present.

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A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court is advised that agreements have been reached.

By agreement of the parties,

- Counsel will submit a child support calculation to the Court **within 45 days from today's date**. The child support change date period shall be on August 1 of each year, starting with August 1, 2011. The parties shall alternate each year depending on which party is the primary residential parent of the minor child.
- For the school year beginning 2011, the minor child, Rosemary, will reside with Mother and shall reside at Mother's home.
- For the school year beginning 2012, the minor child will reside with Father and shall reside at Father's home.
- For the school year beginning 2013, the minor child will reside with Mother and shall reside at Mother's home. The parties shall alternate school years until high school.
- For the school year beginning 2014, the minor child will reside with Father and shall reside at Father's home.
- Once the minor child is in high school, for 9<sup>th</sup> and 10<sup>th</sup> grades she shall reside with Mother at Mother's choice of high school. For 11<sup>th</sup> and 12<sup>th</sup> grade, the minor child shall reside with Father at Father's choice of high school.

HOLIDAY SCHEDULE: *(Takes priority over the regular parenting-time schedule)*

- For the non-residential school parent of the year, that parent shall have 3 weekends per month starting with the 2<sup>nd</sup> Friday after the first of the month from Friday at 5:00 p.m. until Sunday at 7:00 p.m. The receiving parent will pick up the child at the other parent's house, unless the parties both agree for a different arrangement.
- If the parenting time happens to be the weekend it is a holiday, then the parent shall keep the child that weekend until Monday at 7:00 p.m.
- All exchanges of the minor child shall take place Sundays at 7:00 p.m.
- The child shall celebrate Christmas with Mother in odd-numbered years, effective 2011, and with Father in even-numbered years, effective 2012. The child shall celebrate Christmas Eve with Father in odd-numbered years, effective starting 2011, and with Mother in even-numbered years starting 2012. For winter break, the 1<sup>st</sup> week goes to the parent that does not have the minor child during that school year. Father shall have the first week in 2011 and Mother shall have the 2<sup>nd</sup> week

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and then alternate each year. Mother has Christmas in 2011 which is from Christmas Eve at 7:00 p.m. until Christmas Day at 7:00 p.m.

- The child shall celebrate Thanksgiving with Mother in even-numbered years, effective 2012 and with Father in odd-numbered years, effective 2011.
- The child shall celebrate New Years with Father in odd-numbered years, effective 2011 and with Mother in even-numbered years, effective 2012. The parties shall alternate the holidays.
- The parent that does not have the child is to have access by phone on Tuesdays and Thursdays at 8:00 p.m. The non-custodial parent shall initiate the telephone call at 8:00 p.m. The phone call shall be uninterrupted and private with no speaker phone.
- During the summer time, the parenting time schedule shall be alternating weeks from Sunday at 7:00 p.m. to the next Sunday at 7:00 p.m.
- The fall and spring break is awarded to the parent that does not have school custody of the minor child for that year.
- As Mother and Father already have been doing, the child will spend non-Monday holidays not otherwise provided for in this order with each parent on an alternating basis, from 7:00 a.m. to 7:00 p.m.

Lesley Eisenhour and Hyrum McLemore are sworn.

Petitioner and Respondent both testify that they have heard and understood the agreement as dictated into the record, and that this is, in fact, their agreement.

Based upon the record before the Court,

THE COURT FINDS the parties have knowingly, voluntarily, and intelligently entered into the agreement. The agreement is in the best interests of the minor child.

Pursuant to Rule 69, Arizona Rules of Family Law Procedure, the agreement having been made in open court,

THE COURT FINDS it is binding and enforceable on the parties as entered on the record.

Discussion is held.

The following people are sworn:

- Larissa McLemore

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- Janine Richie
- Thomas Richie

The remaining issue is temple sealing.

Respondent's case:

Hyrum McLemore testifies.

The Court finds that the remaining issue is attorney's fees.

Respondent rests.

Petitioner's case:

Lesley Eisenhower testifies.

Petitioner rests.

There being no further need to retain the exhibits currently in the custody of the division clerk,

IT IS ORDERED that the Clerk permanently release those exhibits not offered or received in evidence to the counsel/party causing them to be marked, or to a written designee. The parties, or counsel if represented, shall have the right to re-file relevant exhibits as needed in support of any appeal. Re-filed exhibits must be accompanied by a Notice of Re-filing Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all re-filed exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form

FILED: Exhibit Worksheet

IT IS FURTHER ORDERED taking this matter under advisement.

10:59 a.m. Matter concludes.

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IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HON. BENJAMIN NORRIS

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HONORABLE BENJAMIN NORRIS  
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.